

House Study Bill 685

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to evidence in a sexual abuse case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 6570HC 80
4 jm/sh/8

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1 1 Section 1. NEW SECTION. 709.10 SEXUAL ABUSE == EVIDENCE.
1 2 1. When an alleged victim of sexual abuse consents to
1 3 undergo a sexual abuse examination and to having the evidence
1 4 preserved, a sexual abuse evidence collection kit must be
1 5 collected and properly stored with the law enforcement agency
1 6 under whose jurisdiction the offense occurred or with the
1 7 agency collecting the evidence to ensure that the chain of
1 8 custody is complete and sufficient.

1 9 2. If an alleged victim of sexual abuse has not filed a
1 10 complaint and a sexual abuse evidence collection kit has been
1 11 completed, the kit must be stored by the law enforcement
1 12 agency for a minimum of ten years. In addition, if the
1 13 alleged victim does not want their name recorded on the sexual
1 14 abuse collection kit, a case number or other identifying
1 15 information shall be assigned to the kit in place of the name
1 16 of the alleged victim.

1 17 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
1 18 3, shall not apply to this Act.

1 19 EXPLANATION

1 20 This bill relates to evidence in a sexual abuse case.

1 21 Under the bill, if an alleged victim of sexual abuse
1 22 consents to undergo a sexual abuse examination and to having
1 23 the evidence preserved, the evidence must be collected and
1 24 properly stored with the law enforcement agency under whose
1 25 jurisdiction the offense occurred or with the agency that
1 26 collected the evidence to ensure that the chain of custody is
1 27 complete and sufficient.

1 28 If an alleged victim of sexual abuse, under the bill, does
1 29 not wish to file a criminal complaint and a sexual abuse
1 30 evidence collection kit has been completed, the kit must be
1 31 stored for a minimum of 10 years. In addition, if the alleged
1 32 victim does not want their name recorded on the sexual abuse
1 33 collection kit, a case number or other identifying information
1 34 shall be assigned to the kit in place of the name of the
1 35 alleged victim.

2 1 The bill may include a state mandate as defined in Code
2 2 section 25B.3. The bill makes inapplicable Code section
2 3 25B.2, subsection 3, which would relieve a political
2 4 subdivision from complying with a state mandate if funding for
2 5 the cost of the state mandate is not provided or specified.
2 6 Therefore, political subdivisions are required to comply with
2 7 any state mandate included in the bill.

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